



31 JAN 2007

Phillips Intellectual Property & Standards
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In re Application of :
OSMAN et al. :
U.S. Application No. 10/538,632 :
PCT No.: PCT/IB03/05938 :
It. Filing Date: 10 December 2003 :
Priority Date: 12 December 2002 :
Attorney Docket No.: PHUS020557 :
For: PRESERVING LINEARITY OF AN :
ISOLATOR-FREE POWER AMPLIFIER :
BY DYNAMICALLY ADJUSTING GAIN :
AND PHASE :

DECISION ON PETITION

This decision is in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" and applicants' (renewed) "Petition under 37 CFR 1.47(a)" filed 16 January 2007 to accept the application without the signature of joint-inventor, Saleh Osman.

BACKGROUND

On 10 December 2003, applicants filed international application PCT/IB03/05938 which claimed a priority date of 12 December 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 15 June 2005.

On 10 June 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 08 December 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 09 February 2006, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 18 April 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 16 January 2007, applicants filed the present petition under 37 CFR 1.137(b) and 37 CFR 1.47(a).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With respect to item (1), the "required reply" in the present circumstances is a grantable renewed petition under 37 CFR 1.47(a). The materials included with the renewed petition under 37 CFR 1.47(a) supplement the original petition sufficiently to support a conclusion that the inventor cannot be located after diligent effort. Applicants have therefore satisfied the final requirement for a grantable petition under 37 CFR 1.47(a). Accordingly, the renewed petition under 37 CFR 1.47(a) is appropriately granted, and item (1) of a grantable petition for revival under 37 CFR 1.137(b) is satisfied.

As for the remaining elements of a grantable petition under 37 CFR 1.137(b), applicants have submitted the required petition fee, satisfying item (2), and the petition includes a statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying item (3); item (4) does not apply to the present application. Thus, applicants have satisfied all the requirements for a grantable petition for revival under 37 CFR 1.137(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED.

The renewed petition under 37 CFR 1.47(a) is GRANTED. The application is accepted without the signature of non-signing inventor Saleh OSMAN.

The application will be given an international filing date of 10 December 2003 under 35 U.S.C. 363, and a date of 09 February 2006 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read "Anthony Smith". The signature is written in a cursive, flowing style.

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